

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. W.A. DREW
EDMONDSON, in his capacity as ATTORNEY
GENERAL OF THE STATE OF OKLAHOMA and
OKLAHOMA SECRETARY OF THE ENVIRONMENT C.
MILES TOLBERT, in his capacity as the TRUSTEE FOR
NATURAL RESOURCES FOR THE STATE OF
OKLAHOMA,

Case No. 05-CV-0329 TCK-SAJ

Plaintiffs,

v.

TYSON FOODS, INC.; TYSON POULTRY, INC.; TYSON
CHICKEN, INC.; COBB-VANTRESS, INC.; AVIAGEN,
INC.; CAL-MAINE FOODS, INC.; CAL-MAINE FARMS,
INC.; CARGILL, INC.; CARGILL TURKEY
PRODUCTION, LLC; GEORGE'S, INC.; GEORGE'S
FARMS, INC.; PETERSON FARMS, INC.; SIMMONS
FOODS, INC.; and WILLOW BROOK FOODS, INC.,

Defendants.

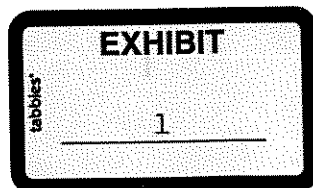
CARGILL, INC.'S RULE 26(a)(1) DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendant Cargill, Inc. hereby makes the following initial disclosures:

INTRODUCTION

The following disclosures are based on the information known to Cargill, Inc. as of today's date, based on reasonable investigation. Cargill, Inc.'s investigation is not complete and Cargill, Inc. may supplement this disclosure based on further investigation and discovery.

By making these disclosures, Cargill, Inc. does not represent that it is identifying every document, tangible thing or witness relevant to its claims and defenses in this lawsuit. Nor does Cargill, Inc. waive its right to object to the production of any document or tangible thing on the basis of any privilege, the work-product doctrine, relevancy, undue burden, or any other valid objection.



Cargill, Inc.'s disclosures are made without in any way waiving (1) the right to object on the grounds of competency, privilege, relevancy, materiality, hearsay or any other proper ground to any such information for any purpose, in whole or in part, in any subsequent proceeding in this action or any other action or (2) the right to object on any and all grounds at any time to any other discovery request or proceeding involving or relating to the subject matter of these disclosures.

Defendant Cargill, Inc. generally objects to the absence of any reasonable limit on date range or geographic scope for the claims set forth in Plaintiffs' First Amended Complaint. Accordingly, for the purpose of providing these disclosures, Cargill, Inc. identifies witnesses and documents from the time frame 2002 to present.

All of the disclosures set forth below are made subject to the above objections and qualifications.

I. RULE 26(a)(1)(A): WITNESSES

All poultry production practices in the Illinois River Watershed ("IRW") from April 2004 to present were conducted by Cargill Turkey Production, LLC, a wholly owned subsidiary of Cargill Meat Solutions Corporation, which is a wholly owned subsidiary of Cargill, Inc. Accordingly, for its disclosures from April 2004 to present, Cargill, Inc. incorporates by reference Section I of the Rule 26(a)(1) disclosures of Cargill Turkey Production, LLC.

For its disclosures from 2002 to April 2004, Cargill, Inc. discloses the following:

WITNESS¹

Cargill Inc.'s former contract growers in the IRW, including but not limited to those identified in Appendix A to Cargill Turkey Production LLC's Rule 26(a)(1) Disclosures

Tim T. Alsup
Flock Management Supervisor
Cargill Turkey Production, LLC
Springdale, AR

SUBJECT

Cargill, Inc.'s former turkey production practices in the IRW

Cargill, Inc.'s former turkey production practices in the IRW

¹ Current and former employees of Cargill, Inc., Cargill Meat Solutions Corporation and/or Cargill Turkey Production, LLC should not be contacted except through the undersigned counsel.

WITNESS¹

Dr. James T. Barton
Veterinarian (former)
Cargill Turkey Production, LLC
Fayetteville, AR

Charles W. Delap
Breeder/Hatchery Manager
Cargill Turkey Production, LLC
Springdale, AR

Bryan K. Delozier
Flock Management Supervisor
Cargill Turkey Production, LLC
Springdale, AR

Bobbi J. Devor
Flock Management Supervisor
Cargill Turkey Production, LLC
Springdale, AR

Gerald Duncan
Senior Ag Manager (former)
Cargill, Inc.
*Currently resides in Carthage, MO
Gregory Engelke
Poultry Technology Deployment
Manager
Cargill Turkey Production, LLC
Minneapolis, MN

Robert L. James
Flock Management Supervisor
Cargill Turkey Production, LLC
Springdale, AR

Dr. Daniel Karunakaran
Veterinarian (former)
Cargill Turkey Production, LLC
Harrisburg, Virginia

SUBJECT

Cargill, Inc.'s former turkey production
practices in the IRW

Cargill's turkey production practices in
the IRW

Cargill, Inc.'s former turkey production
practices in the IRW

Cargill, Inc.'s former turkey production
practices in the IRW

Cargill, Inc.'s former turkey production
practices in the IRW

Cargill, Inc.'s former turkey production
practices in the IRW

Cargill, Inc.'s former turkey production
practices in the IRW

Cargill, Inc.'s former turkey production
practices in the IRW

WITNESS¹

Paul Edward Lawrence, Jr.
Complex Manager II
Cargill Turkey Production, LLC
Springdale, AR

Timothy W. Maupin
Vice President
Cargill Value Added Meats Division
Cargill Meat Solutions Corporation
Wichita, KS

Nathan D. Mefford
Flock Management Supervisor (retired)
Cargill Turkey Production, LLC
Springdale, AR

John J. O'Carroll
President
Cargill Value Added Meats Division
Cargill Meat Solutions Corporation
Wichita, KS

Deryle G. Oxford
Cargill, Inc. (retired)
V.P. of Live Operations
*Currently resides in Fayetteville, AR
Sean P. Schader
Flock Management Supervisor
Cargill Turkey Production, LLC
Springdale, AR

Jonathan D. Spearman
Plant Operations Manager
Cargill Value Added Meats Division
Cargill Meat Solutions Corporation
Wichita, KS

Sarah R. Stafford
Flock Management Supervisor
Cargill Turkey Production, LLC
Springdale, AR

SUBJECT

Cargill, Inc.'s former turkey production
practices in the IRW

Cargill, Inc.'s former turkey production
practices in the IRW

Cargill, Inc.'s former turkey production
practices in the IRW

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practices in the IRW

Cargill, Inc.'s former turkey production
practices in the IRW

Cargill, Inc.'s former turkey production
practices in the IRW

WITNESS¹

Jimmy J. Ward
Live Production Manager
Cargill Turkey Production, LLC
Springdale, AR

H. Steven Willardsen
Vice President & General Manager
Cargill Value Added Meats Division
Cargill Meat Solutions Corporation
Wichita, KS

Officials from the following federal agencies:

- U.S. Department of Agriculture
- U.S. Department of Agriculture – Natural Resources Conservation Service
- U.S. Environmental Protection Agency
- U.S. Fish & Wildlife Service

Officials from the following Oklahoma state agencies:

- Oklahoma Water Resources Board
- Oklahoma Conservation Commission
- Oklahoma Department of Agriculture, Food & Forestry
- Oklahoma Department of Environmental Quality
- Oklahoma Department of Mines
- Oklahoma Tourism and Recreation Department
- Oklahoma Energy Resources Board
- Oklahoma Scenic Rivers Commission

SUBJECT

Cargill, Inc.'s former turkey production practices in the IRW

Cargill, Inc.'s former turkey production practices in the IRW

Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information

Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information

WITNESS¹

Officials from the following Arkansas state agencies:

- Arkansas Department of Pollution Control and Ecology
- Arkansas Natural Resource Commission

Officials from Oklahoma State University, including but not limited to:

- Agricultural Economics Department
- Poultry Extension Office
- Biosystems and Agricultural Engineering
- Department of Plant and Soil Sciences

Officials from University of Arkansas, including but not limited to:

- Agricultural Research Service – USDA
- Animal Science Department
- Arkansas Water Resources Center
- Center for Excellence for Poultry Science
- Cooperative Extension Service
- Department Head, Poultry Science
- Department of Agronomy
- Department of Geosciences & Arkansas Water Resources Group

Officials from the following county governments:

- Adair County
- Cherokee County
- Sequoyah County
- Delaware County

SUBJECT

Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information

Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information

Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information

Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information

WITNESS¹

Officials from the following city governments:

- City of Watts
- City of Westville – Westville Utility Authority
- City of Tahlequah – Tahlequah Public Works Authority

Officials from the Arkansas-Oklahoma Arkansas River Basin Compact Commission

Third Party Defendants

SUBJECT

Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information

Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information

Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information

II. RULE 26(a)(1)(B): DOCUMENTS

All poultry production practices in the Illinois River Watershed (“IRW”) from April 2004 to present were conducted by Cargill Turkey Production, LLC, a wholly owned subsidiary of Cargill Meat Solutions Corporation, which is a wholly owned subsidiary of Cargill, Inc. Accordingly, for its disclosures from April 2004 to present, Cargill, Inc. incorporates by reference Section II of the Rule 26(a)(1) disclosures of Cargill Turkey Production, LLC.

For its disclosures from 2002 to April 2004, Cargill, Inc. discloses the following:

A. Cargill, Inc. Documents

Defendant Cargill, Inc. objects to producing documents that contain information that is confidential or proprietary to Cargill, Inc. in the absence of a mutually agreeable confidentiality and protective order. Moreover, Defendant Cargill, Inc. generally objects to the absence of any reasonable limit on date range or geographic scope for the claims set forth in Plaintiffs’ First Amended Complaint. Solely for the purpose of providing these disclosures, Defendant Cargill, Inc. identifies documents from 2002 to April 2004 pertaining to Cargill, Inc.’s former poultry growing operations within the Illinois River Watershed (“IRW”), an area Cargill, Inc. understands to be geographically bounded by the Illinois River water basin down to and including Lake Tenkiller.

Subject to and without waiving the foregoing objections and limitations on responses, Defendant Cargill, Inc. describes below by category documents that are in its possession, custody or control and that it may use to support its defenses:

- Cargill, Inc.'s contracts with its former poultry growers in the IRW
- Cargill, Inc.'s Best Management Practices Manual
- Nutrient Management Information

The documents identified above are currently located at Cargill, Inc.'s facilities in Kansas, Minnesota or Arkansas and/or the offices of undersigned counsel. Pursuant to Section VI(B) of the parties' Joint Status Report and in accordance with the objections and limitations set forth in these disclosures, Defendant Cargill, Inc. will either produce or make available for inspection the above-referenced documents on May 26, 2006.

B. Non-Party Documents

Although not in the possession, custody or control of Cargill, Inc., documents of the following third parties may be used in support of Cargill, Inc.'s defenses:

- Documents and reports in the possession, custody or control of the governmental agencies identified in Section I of this disclosure
- Documents in the possession, custody or control of Cargill, Inc.'s former contract growers in the IRW

C. Documents of Other Parties

Although not in the possession, custody or control of Cargill, Inc., documents identified in the Rule 26(a) Disclosures served by plaintiffs, other defendants or third-party defendants also may contain discoverable information that Cargill, Inc. may use to support its defenses.

III. RULE 26(a)(1)(C): DAMAGES

Defendant Cargill, Inc. is not asserting any damage claims against Plaintiffs at this time.

Defendant Cargill, Inc. seeks injunctive and other affirmative relief from Cross-claim Defendants and Third Party Defendants. Cargill, Inc. will supplement this response in accordance with the requirements of the Federal Rules of Civil Procedure when it ascertains sufficient information to compute the amount of monetary damages, if any, for which Third Party Defendants may be responsible.

IV. RULE 26(a)(1)(D): INSURANCE

Because Plaintiffs' First Amended Complaint fails to identify both the dates of the occurrences and the amount of damages at issue, there are in excess of 50 insurance policies that *may* be available in this action. By the date this action was filed (June 13, 2005), all poultry production practices in the IRW were conducted by Cargill Turkey Production, LLC a wholly owned subsidiary of Cargill Meat Solutions Corporation, which is a wholly owned subsidiary of Cargill, Inc. Accordingly, Cargill, Inc. incorporates by reference Section VI of the Rule 26(a)(1) disclosures of Cargill Turkey Production, LLC.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the ____ day of April, 2006, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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I also hereby certify that I served the attached document by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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and
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